

## DISTRICT OF NEVADA

Plaintiff,

CIRCLE K STORES, INC.,

Case No. 2:17-cv-01428-GMN-GWF

## REPORT & RECOMMENDATION

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**IT IS HEREBY RECOMMENDED** that this case be **dismissed** without prejudice for Plaintiff's failure to prosecute.

DATED this 12th day of October, 2017.

*George Foley Jr.*  
GEORGE FOLEY, JR.  
United States Magistrate Judge

## NOTICE

Pursuant to Local Rule IB 3-2, any objection to this Finding and Recommendation must be in writing and filed with the Clerk of the Court within fourteen (14) days. The Supreme Court has held that the courts of appeal may determine that an appeal has been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file objections within the specified time and (2) failure to properly address and brief the objectionable issues waives the right to appeal the District Court's order and/or appeal factual issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).